

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6012

BILL NUMBER: HB 1622

NOTE PREPARED: Sep 27, 2004

BILL AMENDED:

SUBJECT: Drivers and Passengers at Accident Scene.

FIRST AUTHOR: Rep. Woodruff

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill establishes procedures for drivers and occupants of vehicles involved in certain motor vehicle accidents. It also establishes penalties for failure to:

- (1) remain at the scene of certain motor vehicle accidents; and
- (2) provide information and render assistance at the scene of certain motor vehicle accidents.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: Under the bill, the violations that result in a Class C misdemeanor would include a driver leaving the scene of an accident before the responding law enforcement agency releases the driver, and an occupant of a vehicle involved in an accident not fulfilling the responsibilities of the driver, if the driver is mentally or physically incapable.

Additionally, the bill would require an occupant (other than the driver) of a vehicle involved in an accident resulting in injury or death to remain at the scene of the accident until released by the investigating law enforcement agency and to file a report with the State Police, if required. Violation of this section would result in a Class B infraction.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500, which is deposited in the Common School Fund, and the maximum judgment for a Class B infraction is \$1,000, which is deposited

in the state General Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. For an infraction, if court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 (misdemeanor) or \$70 (infraction) court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.